

Chapter 11.16

WASTEWATER

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11.16.005 General provisions.

- (1) Purpose and policy. This Chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment systems for the City of Jasper, Indiana and enables the City to

comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR, Part 403).

The objectives of this Chapter are:

- (a) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- (b) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (c) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and,
- (d) To provide for equitable distribution of the cost of the municipal wastewater system.

This Chapter provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This Chapter shall apply to the City of Jasper, Indiana, and to persons outside the City who are, by contract or agreement with the City, Users of the City Wastewater Treatment Facility. Except as otherwise provided herein, the Superintendent of the City Wastewater Treatment Facility shall administer, implement, and enforce the provisions of this Chapter. (Ord. 1185 S4, 1984; Ord. 1151 S1.1, 1984)

11.16.010 Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall be as follows:

- (1) "Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq. (Ord. 1151 S1, 1984)

- (2) Applicable Pretreatment Standard. Any pretreatment limit on prohibitive standard (Federal State and local) contained in the ordinance and considered to be the most restrictive with which non-domestic users will be required to comply. (Ord. 1151 S1, 1984)
- (3) Approval Authority. The director in an NPDES state with an approved State Pretreatment Program and the Administrator of the EPA in a non-NPDES state or NPDES state without an Approved State Pretreatment program. (Ord. 1151 S1, 1984)
- (4) Authorized Representative of Industrial User. An authorized representative of an Industrial User may be: (1) A principal executive of at least the level of vice-president, if the Industrial User is a corporation; (2) a general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively; (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates. (Ord. 1151 S1, 1984)
- (5) Average Monthly Discharge Limitation. The highest allowable average of "daily discharges" over a calendar month, calculated as the sums of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. (Ord. 1151 S1, 1984)
- (6) Biochemical Oxygen Demand (BOD). Shall have the same meaning as defined in the Pretreatment Ordinance, found in Chapter 11.22. (Ord. 1997-45, S1b, 1997; Ord. 1997-11, 1997; Ord. 1988-36 S1, 1988; Ord. 1185 S4, 1984; Ord. 1151 S1,2, 1984; Ord. 557 S4, 1964)
- (7) "Board" shall mean the Utility Service Board of the City of Jasper, Indiana, or any duly authorized officials acting in its behalf. (Ord. 1997-45, S1a, 1997; Ord. 1995-37, S1, 1995; Ord. 1988-37 S1, 1988)
- (8) "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning three (3) feet outside the building wall. (Ord. 1988-36 S1, 1988; Ord. 557 S4, 1964)

Building drain - Sanitary - A building drain which conveys sanitary or industrial sewage only.

Building drain - Storm - A building drain which conveys storm water or other clearwater drainage, but no wastewater.

- (9) "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal. (Also called house connection.)

Building sewer - Sanitary - A building sewer which conveys sanitary or industrial sewage only.

Building sewer - Storm - A building sewer which conveys stormwater or other clearwater drainage, but no sanitary or industrial sewage. (Ord. 1988-36 S1, 1988; Ord. 1185 S4, 1984; Ord. 1151 S1,2, 1984; Ord. 557 S4, 1964)

- (10) Categorical Standards. National Categorical Pretreatment Standards or Pretreatment Standard. (Ord. 1151 S1, 1984)

- (11) Chemical Oxygen Demand (COD) shall have the same meaning as defined in the Pretreatment Ordinance found in Chapter 11.22. (Ord. 1997-45, S1, 1997; Ord. 1997-11, 1997; Ord. 1991-41 S4, 1991)

- (12) City. The City of Jasper, Indiana; acting by and through the Common Council. (Ord. 1997-45, S1 c, 1997; Ord. 1995-37, S1, 1995; Ord. 1988-37 S1, 1988)

- (13) "Combined sewer" shall mean a sewer intended to receive both wastewater and storm or surface water. (Ord. 1988-36 S1, 1988; Ord. 557 S4, 1964)

- (14) "Compatible pollutant" shall mean biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit if the treatment works was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree. The term substantial degree is not subject to precise definition, but generally contemplates removals in the order of 80 percent or greater. Minor incidental removals in the order of 10 to 30 percent are not considered substantial. Examples of the additional pollutants which may be considered compatible include:

- (a) chemical oxygen demand,
- (b) total organic carbon,
- (c) phosphorus and phosphorus compounds,
- (d) nitrogen and nitrogen compounds, and

- (e) fats, oils, and greases of animal or vegetable origin (except as prohibited where these materials would interfere with the operation of the treatment works). (Ord. 1988-36 S1, 1988)
- (15) Composite Samples. A composite sample should contain a minimum of eight discrete samples taken at equal time intervals over the composite period or proportional to the flow rate over the composting period. More than the minimum number of discrete samples will be required where the wastewater loading is highly variable. (Ord. 1151 S1, 1984)
- (16) Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat. (Ord. 1151 S1, 1984)
- (17) Control Authority. The term "Control Authority" shall refer to the Approval Authority", defined hereinabove; or the Superintendent if the City has an approved Pretreatment Program under the provisions of 40 CFR, 403.11 (Ord. 1151 S1, 1984)
- (18) Daily Discharge. Discharge of a pollutant "measured during a calendar day or any 24 hour period that reasonably represents the calendar day for purposes of sampling. (Ord. 1151 S1, 1984)
- (19) "Debt Service Costs" shall mean the average annual principal and interest payments on all outstanding revenue bonds or other long-term capital debt. (Ord. 1997-45, S1, 1997; Ord. 1995-37, S1, 1995; Ord. 1988-37 S1, 1988)
- (20) Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the State of Indiana. (Ord. 1151 S1, 1984)
- (21) "Easement" shall mean an acquired legal right for the specific use of land owned by others. (Ord. 1988-36 S1, 1988)
- (22) Environmental Protection Agency, or EPA. The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency. (Ord. 1151 S1, 1984)
- (23) "Excessive Strength Surcharge" shall mean an additional charge which is billed to users for treating sewage wastes with an average strength in excess of "normal domestic sewage". (Ord. 1997-45, S1, 1997; Ord. 1995-37, S1, 1995; Ord. 1988-37 S1, 1988)
- (24) "Fecal coliform" shall mean any of a number of organisms common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indicator of pollution. (Ord. 1988-36 S1, 1988)

- (25) "Floatable oil" shall mean oil, fat, or grease in a physical state, such that will separate by gravity from wastewater by treatment in a pretreatment facility approved by the City. (Ord. 1988-36 S1, 1988)
- (26) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce. (Ord. 1988-36 S1, 1988; Ord. 1151 S1, 1984; Ord. 557 S4, 1964)
- (27) Grab Sample. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time. (Ord. 1151 S1, 1984)
- (28) Ground (shredded) Garbage. Garbage that is shredded to such a degree that all particles will be carried freely in suspension under the conditions normally prevailing in the sewerage system, with no particle being greater than one-half (1/2) inch in dimension. (Ord. 1151 S1, 1984)
- (29) Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks. (Ord. 1151 S1, 1984)
- (30) "Incompatible pollutant" shall mean any pollutant that is not defined as a compatible pollutant, including non-biodegradable dissolved solids. (Ord. 1988-36 S1, 1988)
- (31) Indirect discharge. The discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system). (Ord. 1151 S1, 1984)
- (32) Industrial User. A source of Indirect Discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402, of the Act. (33 U.S.C. 1342). (Ord. 1151 S1, 1984)
- (33) "Industrial Wastes" shall mean the wastewater discharges from industrial, trade or business processes as distinct from employee wastes or wastes from sanitary conveniences. (Ord. 1997-45, S1, 1997; Ord. 1995-37, S1, 1995; Ord. 1988-37 S1, 1988; Ord. 1988-36 S1, 1988; Ord. 557 S4, 1964)
- (34) Industrial Waste (Pretreatment) Permit. A permit to deposit or discharge industrial waste into any sanitary sewer as issued by the POTW. (Ord. 1151 S1, 1984)
- (35) "Infiltration" shall mean the water entering a sewer system, including building drains and sewers, from the ground, through such means as, but

not limited to, defective pipes, pipe joints, connections, or manhole walls. (Infiltration does not include and is distinguished from inflow.) (Ord. 1988-36 S1, 1988)

- (36) "Infiltration/Inflow" shall mean the total quantity of water from both infiltration and inflow without distinguishing the source. (Ord. 1988-36 S1, 1988)
- (37) "Inflow" shall mean the water discharge into a sewer system, including building drains and sewers, from such sources as, but not limited to, roof leaders, cellar, yard and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers, and combined sewers, catch basins, storm waters, surface run-off, street wash waters or drainage. (Inflow does not include, and is distinguished from, infiltration.) (Ord. 1988-36 S1, 1988)
- (38) Influent. The water together with any wastes that may be present flowing into a drain, sewer, receptacle, or outlet. (Ord. 1151 S1, 1984)
- (39) "Inspector" shall mean the person or persons duly authorized by the City, through its Utility Service Board, to inspect and approve the installation of building sewers and their connection to the public sewer system. (Ord. 557 S4, 1964)
- (40) Interference. The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirements of the City's NPDES Permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substance Control Act, or more stringent state criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW. (Ord. 1151 S1, 1984)
- (41) "Major contributing industry" shall mean an industry that:
 - (a) has a flow of 6,675 cubic feet or more per average work day;
 - (b) has a flow greater than five percent of the flow carried by the municipal system receiving the waste;
 - (c) has in its waste a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) or PL 92-500; or

- (d) has a significant impact, either singly or in combination with other contributing industries, on a treatment works or on the quality of effluent from that treatment works. (Ord. 1988-36 S1, 1988)
- (42) "Manager" shall mean the Manager of the Municipal Utilities of the City of Jasper, Indiana, or his authorized deputy, agent or representative. (Ord. 557 S4, 1964)
- (43) National Categorical Pretreatment Standard or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) or (c) of the Act (33 U.S.C. 1347) which applies to a specific category of Industrial Users. (Ord. 1151 S1, 1984)
- (44) National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5. (Ord. 1151 S1, 1984)
- (45) "Natural Outlet" shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater. (Ord. 1988-36 S1, 1988; Ord. 557 S4, 1964)
- (46) New source. Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. 1317) Categorical Pretreatment Standard which will be within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard. (Ord. 1151 S1, 1984)
- (47) "NH₃N" shall mean the same as Ammonia Nitrogen measured as Nitrogen. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods" as defined in (77). (Ord. 1988-36, 1988)
- (48) "Normal Domestic Sewage" (for the purpose of determining surcharges) shall mean wastewater or sewage having an average daily concentration as follows:

COD not more than 600 mg/l
BOD not more than 300 mg/l
S.S. not more than 250 mg/l
NH₃N not more than 30 mg/l
Floatable oils not more than 100 parts per million

As defined by origin, wastewaters from segregated domestic and/or sanitary conveniences as distinct from wastes from industrial processes. (Ord. 1997-45, S1, 1997; Ord. 1995-37, S1, 1995; Ord. 1993-4, S1, 1993; Ord. 1991-41 S6, 1991; Ord. 1988-37 S1, 1988)

- (49) "NPDES Permit" shall mean a permit issued under the National Pollutant Discharge Elimination System for discharge of wastewaters to the navigable waters of the United States pursuant to Section 402 of PL 92-500. (Ord. 1988-36 S1, 1988; Ord. 1151 S1, 1984)
- (50) "Operation and Maintenance Costs" include all costs, direct and indirect, necessary to provide adequate wastewater collection, transport and treatment on a continuing basis and produce discharges to receiving waters that conform with all related Federal, State and local requirements. (These costs include replacement.) (Ord. 1997-45, S1, 1997; Ord. 1995-37, S1, 1995; Ord. 1988-37 S1, 1988)
- (51) "Other Service Charges" shall mean tap charges, connection charges, area charges, and other identifiable charges other than User Charges, debt service charges and excessive strength surcharges. (Ord. 1997-45, S1, 1997; Ord. 1995-37, S1, 1995; Ord. 1988-37 S1, 1988)
- (52) "Person" shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity. (Ord. 1997-45, S1, 1997; Ord. 1995-37, S1, 1995; Ord. 1988-37 S1, 1988; Ord. 1988-36 S1, 1988; Ord. 1267 S2, 1986; Ord. 1185 S4, 1984; Ord. 1151 S1.2, 1984; Ord. 557 S4, 1964)
- (53) "pH" shall mean the reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution. (Ord. 1988-36 S1, 1988; Ord. 1151 S1, 1984; Ord. 557 S4, 1964)
- (54) Pollution. The man-made or man-induced alternation of the chemical, physical, biological, and radiological integrity of water. (Ord. 1151 S4, 1984)
- (55) Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural, waste discharged into water. (Ord. 1151 S4, 1984)
- (56) "Pretreatment" shall mean the treatment of industrial sewage from privately owned industrial sources prior to introduction into a public treatment works. (Ord. 1988-36 S1, 1988; Ord. 1151 S1, 1984)

- (57) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an Industrial User. (Ord. 1151 S4, 1984)
- (58) "Private sewer" shall mean a sewer which is not owned by a public authority. (Ord. 1988-36 S1, 1988)
- (59) "Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension. (Ord. 1988-36 S1, 1988; Ord. 557 S4, 1964)
- (60) Publicly Owned Treatment Works (POTW). A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the City. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the City who are, by contract or agreement with the City, users of the City's POTW. (Ord. 1151 S1, 1984)
- (61) POTW Treatment Plant. That portion of the POTW designed to provide treatment to wastewater. (Ord. 1151 S1, 1984)
- (62) "Public sewer" shall mean a sewer which is owned and controlled by the public authority and will consist of the following increments:
- Collector sewer shall mean a sewer whose primary purpose is to collect wastewaters from individual point source discharges.
- Interceptor sewer shall mean a sewer whose primary purpose is to transport wastewater from collector sewers to a treatment facility.
- Force main shall mean a pipe in which wastewater is carried under pressure.
- (63) "Pumping station" shall mean a station positioned in the public sewer system at which wastewater is pumped to a higher level. (Ord. 1988-36 S, 1988; Ord. 557 S4, 1964)
- (64) Receiving Stream. The water course, stream or body of water receiving the waters finally discharged from the wastewater treatment plant. (Ord. 1151 S4, 1984)

- (65) "Replacement Costs" shall mean the expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. (Ord. 1997-45, S1, 1997; Ord. 1995-37, S1, 1995; Ord. 1988-37 S1, 1988)
- (66) "Sanitary sewer" shall mean a sewer which carries sanitary and industrial wastes, and to which storm, surface, and ground water are not intentionally admitted. (Ord. 1988-36 S1, 1988; Ord. 557 S4, 1964)
- (67) "Sewage" shall mean the combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, (including polluted cooling water). The three most common types of sewage are:

Sanitary sewage shall mean the combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities. (Ord. 1988-36 S1, 1988; Ord. 518 S4(a), 1960)

Industrial sewage shall mean a combination of liquid and water-carried wastes, discharged from any industrial establishment, and resulting from any trade or process carried on in that establishment (this shall include the wastes from pretreatment facilities and polluted cooling water).

Combined sewage shall mean wastes including sanitary sewage, industrial sewage, stormwater, infiltration and inflow carried to the wastewater treatment facilities by a combined sewer. (Ord. 1988-36 S1, 1988; Ord. 557 S4, 1964)

- (68) "Sewage treatment plant" shall mean any arrangement of devices and structures used for treating sewage. (Ord. 557 S4, 1964)
- (69) "Sewage works" shall mean the structures, equipment and processes to collect, transport and treat domestic and industrial wastes and dispose of the effluent and accumulated residual solids. (Ord. 1988-36 S1, 1988; Ord. 557 S4, 1964)
- (70) "Sewer" shall mean a pipe or conduit for carrying sewage. (Ord. 1988-36 S1, 1988; Ord. 557 S4, 1964)
- (71) "Sewer Use Ordinance" shall mean a separate and companion enactment to this Ordinance, which regulates the connection to and use of public and private sewers. (Ord. 1995-37, S1, 1995; Ord. 1988-37 S1, 1988)

- (72) Shall is mandatory: May is permissive. (Ord. 1997-45, S1, 1997; Ord. 1995-37, S1, 1995; Ord. 1988-36, 1988; Ord. 1151 S1.2, 1984; Ord. 557 S4, 1964)
- (73) Significant Industrial User. Any Industrial User of the City's wastewater disposal system who (i) has a discharge flow of 20,000 gallons or more per average work day, or (ii) has a flow greater than 2% of the flow in the City's wastewater treatment system, or (iii) has in his wastes toxic pollutants as defined pursuant to Section 307 of the Act of State statutes and rules or (iv) is found by the City, (State Control Agency) or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system. (Ord. 1151 S1, 1984)
- (74) Sludge. Any solid, semi-solid or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other waste having similar characteristics and effects as defined in standards issued under Section 402 and 405 of the Federal Act and in the applicable requirements under Sections 3001, 3004, and 4004 of the Solid Waste Disposal Act PL 94-580. (Ord. 1151 S1, 1984)
- (75) "Slug" shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 10 minutes more than 3 times the average 24 hours concentration of flows during normal operation and shall adversely affect the collection system. (Ord. 1988-36 S1, 1988)
- (76) Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972. (Ord. 1151 S4, 1984)
- (77) "Standard methods" shall mean the laboratory procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association, The American Water Works Association and the Water Pollution Control Federation. (Ord. 1988-36 S1, 1988; Ord. 1151 S4, 1984)
- (78) State. State of Indiana. (Ord. 1151 S4, 1984)
- (79) "Storm sewer" shall mean a sewer for conveying water, ground water or unpolluted water from any source and to which sanitary and/or industrial

wastes are not intentionally admitted. (Ord. 1988-36 S1, 1988; Ord. 557 S4, 1964)

- (80) Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom. (Ord. 1151 S4, 1984)
- (81) "Superintendent" shall mean the Superintendent of the municipal sewage works of the City of Jasper, Indiana, or his authorized deputy, agent or representative. (Ord. 1988-36 S1, 1988; Ord. 1151 S1, 1984; Ord. 557 S4, 1964)
- (82) "Suspended solids" shall mean solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids and which are removable by laboratory filtering under standard laboratory procedure. (Ord. 1988-36 S1, 1988; Ord. 1151 S1, 1984; Ord. 557, S4, 1964)
- (83) "Total solids" shall mean the sum of suspended and dissolved solids. (Ord. 1988-36 S1, 1988)
- (84) "Toxic amount" shall mean concentrations of any pollutant or combination of pollutants, which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations, and physiological manifestations, as defined in standards issued pursuant to Section 307(a) of PL 92-500. (Ord. 1988-36 S1, 1988; Ord. 1151 S1, 1984)
- (85) "Unit" shall mean a water closet, toilet, sink, tub, lavatory, shower, combination shower and tub, dish washer, clothes washer, drinking fountain and any other unit using water which feeds into the Jasper sanitary system.
- (86) "Unpolluted water" is water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided. (Ord. 1988 S1, 1988)
- (87) Upset. An exceptional incident, in which a discharger unintentionally and temporarily is in a state of noncompliance with the applicable standard due to factors beyond the reasonable control of the discharger, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation of the facilities. (Ord. 1151 S1, 1984)
- (88) User. Any person who contributes, causes or permits the contribution of wastewater into the City's POTW. (Ord. 1151 S1, 1984)

(89) "User charge" shall mean a charge levied on users of the wastewater treatment works for the cost of operation and maintenance of such works pursuant to Section 204(b) of Public Law 92-500. (Ord. 1997-45, S1, 1997; Ord. 1995-37, S1, 1995; Ord. 1988-37 S1, 1988)

(90) "User Class" shall mean the division of wastewater treatment customers by source, function, waste characteristics, and process or discharge similarities (i.e., residential, commercial, industrial, institutional, and governmental in the User Charge System).

Residential User - shall mean a user of the treatment works whose premises or building is used primarily as a residence for one or more persons, including all dwelling units, etc.

Commercial User - shall mean any establishment involved in a commercial enterprise, business or service which based on a determination by the City discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

Institutional User - shall mean any establishment involved in a social, charitable, religious, and/or educational function which, based on a determination by the City discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

Governmental User - shall mean any Federal, State, or local governmental user of the wastewater treatment works.

Industrial User - shall mean any manufacturing or processing facility that discharges industrial waste to a publicly owned treatment works. (Ord. 1997-45, S1, 1997; Ord. 1995-37, S1, 1995; Ord. 1988-37 S1, 1988)

(91) "Volatile organic matter" shall mean the material in the sewage solids transformed to gases or vapors when heated at 55 degrees C for 15 to 20 minutes. (Ord. 1988-36, 1988)

(92) Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with such ground, surface, and storm waters as may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW. (Ord. 1151 S1, 1984)

- (93) Wastewater Constituents and Characteristics. The individual chemical, physical, bacteriological, and radiological parameters, including volume, flow rate, and other parameters that serve to define, classify, or measure the contents, quality, quantity, and strength of wastewater. (Ord. 1151 S1, 1984)
- (94) Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies of accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof. (Ord. 1151 S1, 1984)
- (95) Wastewater Contribution Permit. As set forth in Section 11.16.420 of this Ordinance. (Ord. 1151 S1, 1984)
- (96) "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently. (Ord. 1988-36, 1988; Ord. 557 S4, 1964)
- (97) "2001 Extensions" shall mean the extension of sanitary sewage services to residents located within areas known as the Whoderville/Eastown Area and the Southwest Service Area. (Ord. 2002-12, S1, May 22, 2002) (Ord. 2001-24, S1, June 18, 2001)

11.16.011 Abbreviations. The following abbreviations shall have the designated meanings:

BOD - Biochemical Oxygen Demand.

CFR - Code of Federal Regulations.

COD - Chemical Oxygen Demand.

EPA - Environmental Protection Agency.

l - Liter.

IU - Industrial User.

mg - Milligrams

mg/l - Milligrams per Liter.

NPDES - National Pollutant Discharge Elimination System.

O & M - Operation and Maintenance.

POTW - Publicly Owned Treatment Works.

SIC - Standard Industrial Classification.

SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.

TSS - Total Suspended Solids.

USC - United States Code.

WWTP - Wastewater Treatment Plant. (Ord. 1151 S1, 1984)

11.16.014 Department of Sanitary sewers - established. That for the purpose of operating and regulating the sanitary sewer system of the City of Jasper, Indiana, there is now established the Department of Sanitary Sewers which shall be under the jurisdiction of the Utility Service Board and which shall have the control and be charged with the operation of all plumbing, whether on private property or elsewhere, which drains into the sanitary sewer system, all sanitary sewers and the sanitary sewage treatment plant and all of the appurtenances to such sewer system. (Ord. 557 S1, 1964)

11.16.016 Superintendent appointed. The operation of the sanitary sewer system shall be in charge of the superintendent of sanitary sewers who shall be appointed by the Mayor, subject to the approval of the Utility Service Board, and who shall be under the supervision of the Utility Manager. Said Superintendent of sanitary sewers is to receive such salary and compensation for his services as may be set from time to time by the Utility Service Board and approved by the Common Council. (Ord. 1276 S1, 1986; Ord. 557 S2, 1964)

11.16.017 Superintendent's authority. The said Superintendent of sanitary sewers shall be in charge of the sanitary sewer system of the City of Jasper and in addition to the operation of the sewage treatment plant shall have the authority to inspect all plumbing, drainage and sewers on private property or elsewhere; and he shall have charge of the entire sanitary sewer system of the City of Jasper. (Ord. 557 S3, 1964)

11.16.020 Disposal of wastes - Connection with sewer. The regulations are as follows:

- (1) **DEPOSIT OF WASTES.** It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste. (Ord. 1988-36 S2a, 1988; Ord. 557 S5, 1964)
- (2) **STORMWATER DISCHARGE.** No person shall discharge or cause to be discharged to any sanitary sewer, either directly or indirectly, stormwaters, surface water, ground water, roof run-off, subsurface drainage, cooling water, unpolluted water, or unpolluted industrial process water. The City shall require the removal of unpolluted waters from any wastewater collection or treatment facility. (Ord 1988-36 S2b, 1988)
- (3) **CAPACITY.** Stormwater, surface water, ground water, roof run-off, subsurface drainage, cooling water, unpolluted water or unpolluted industrial process water may be admitted to storm sewers which have

adequate capacity for their accommodation. No person shall use such sewers, however, without the specific permission of the City. No new connection shall be made to any sanitary or storm sewer unless there is capacity available in all downstream sewers, lift stations, force mains, and the sewage treatment plant including capacity for BOD and suspended solids. (Ord. 1988-36 S2c, 1988)

- (4) **DISCHARGE OF POLLUTED WATERS.** No person shall place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the jurisdiction of the City any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this ordinance and the NPDES Permit. (Ord. 1988-36 S2d, 1988; Ord. 1185 S1, 1984; Ord. 1151 S4.1, 1984)
- (5) **DISCHARGE TO NATURAL OUTLET.** No persons shall discharge or cause to be discharged to any natural outlet any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this ordinance and the NPDES Permit. (Ord. 1988-36 S2e, 1988; Ord. 557 S5, 1964)
- (6) **PRIVATE DISPOSAL FACILITIES.** Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facilities intended or used for the disposal of sewage. (Ord. 1988-36 S2f, 1988; Ord. 557 S5, 1964)
- (7) **CONNECTION WITH PUBLIC SEWER.** The owner of a house, commercial building, or and other building which:
 - (a) Is used for human occupancy, employment, or recreation;
 - (b) Has, or is required to have, one or more garbage disposals, toilets, baths, showers, or other similar facilities; and
 - (c) Is located on a lot or other parcel of property to which sanitary sewer is available,

shall, at his expense and within one hundred eighty (180) days of the date written notification is given that such sanitary sewer is available, connect such facilities to the sanitary sewer. Notification shall be sent by certified mail to the property owner at the address of the property. In the event the homeowner fails to accept said notification, personal service, or any other form of service as allowed by Indiana law, of said notice may be attempted. A homeowner may be required to hook up prior to one hundred eighty (180) days if it is determined by the City of Jasper that the current wastewater treatment system is failing or has failed or it presents a health hazard. Sanitary sewer shall be deemed to be available to a property owner when a structure or improvement producing sanitary

sewage or waste located on the property owner's real estate is located within three hundred (300) feet of any collection line maintained as part of a public sanitary sewer system. In the event an owner fails to so connect, the City has the following rights and remedies:

- (d) The City may charge the owner or occupant the rates and charges that the owner or occupant would pay as though the connection was accomplished;
- (e) The City may enter the owner's premises and effect the connection at the owner's expense;
- (f) The City may obtain a court order directing the owner to comply;
- (g) The City may assess the owner a civil penalty of not more than \$100.00 per day that the owner is not in compliance; and
- (h) Any and all other rights and remedies which it has or may have under federal, state, or local law or regulation.

The City's use of any one remedy shall not be deemed an election of that remedy to the exclusion of any others. The City may use any, a combination of, or all of the remedies at its disposal in such order and with such frequency as the City, in its sole discretion, shall determine. (Ord. 2001-28, S1, June 27, 2001) (Ord. 2001-5, S1, Feb. 21, 2001) (Ord. 1997-40, Nov. 19, 1997; Ord. 1988-36, S2g, 1988; Ord. 1185 S1, Dec. 12, 1984; Ord. 557 S5, 1964)

11.16.030 Private disposal facilities. The regulations are as follows:

- (1) **AUTHORIZED.** Where a public sanitary sewer is not available under the provisions of Section 11.16.020(7), the building sewer shall be connected to a private sewage disposal system complying with the recommendations of the provisions of this article. (Ord. 1988-36 S3a, 1988)
- (2) **PERMIT FOR CONSTRUCTION OF PRIVATE SEWAGE DISPOSAL SYSTEM.** Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent. A permit and inspection fee of Twenty Dollars (\$20.00) shall be paid to the City at the time the application is filed. (Ord. 1988-36 S3b, 1988)
- (3) **INSPECTION OF PRIVATE SEWAGE DISPOSAL SYSTEM.** A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any

event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice by the Superintendent. (Ord. 1988-36 S3c, 1988)

- (4) **PRIVATE SYSTEM DESIGN.** The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the State Board of Health. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than twenty thousand (20,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet. (Ord. 1988-36 S3d, 1988)
- (5) **ABANDONMENT.** At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Subsection (1) of this section, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material. (Ord. 1988-36 S3e, 1988; Ord. 557 S6, 1964)
- (6) **OPERATION AND MAINTENANCE.** The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city. (Ord. 1988-36 S3f, 1988; Ord. 557 S6, 1964)
- (7) **ADDITIONAL REQUIREMENTS.** No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Health officer. (Ord. 1988-36 S3g, 1988; Ord. 557 S 6, 1964).

11.16.040 Permit to connect with public sewer. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Clerk-Treasurer. (Ord. 1988-36 S4a, 1988; Ord. 557 S7(1), 1964).

11.16.050 Application for permit.

- (1) There shall be two (2) classes of building sewer permits:
 - (a) for residential and commercial service, and
 - (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the said City. The permit application shall be supplemented by any plans, specifications, or other information

considered pertinent in the judgment of the Inspector. A permit and inspection fees of Twenty Dollars (\$20.00) for residential or commercial building sewer permit and Twenty Dollars (\$20.00) for an industrial building sewer permit shall be paid to the Clerk-Treasurer at the time the application is filed. (Ord. 1988-36 S4b, 1988)

11.16.051 Wastewater contribution permits.

- (1) General permits. All significant users proposing to connect to or to contribute to the POTW shall obtain a Wastewater Discharge Permit before connecting to or contributing to the POTW. All existing significant Users connected to or contributing to the POTW shall obtain a Wastewater Contribution Permit within 180 days after the effective date of this ordinance.
- (2) Permit application. Users required to obtain a Wastewater Contribution Permit shall complete and file with the City, an application in the form prescribed by the City, and accompanied by a fee of \$150.00. Proposed new Users shall apply at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the User shall submit, in units and terms appropriate for evaluation, the following information:
 - (a) Name, address, and location, (if different from the address);
 - (b) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1982, as amended;
 - (c) Wastewater constituents and characteristics including but not limited to those mentioned in Section 2 of this Ordinance as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;
 - (d) Time and duration of contribution;
 - (e) Average daily and 3 minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;
 - (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by the size, location and elevation;

- (g) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
- (h) Where known, the nature and concentration of any pollutants in the discharge which are limited by any City, State, or Federal Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional Operation and Maintenance (O & M) and/or additional pretreatment is required for the User to meet applicable Pretreatment Standards;
- (i) If additional pretreatment and/or O & M will be required to meet the Pretreatment Standards; the shortest schedule by which the User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard:

The following conditions shall apply to this schedule:

1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.)
 2. No increment referred to in paragraph 1. shall exceed 9 months.
 3. Not later than 14 days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Superintendent.
- (j) Each product produced by type, amount, process or processes and rate or production;

- (k) Type and amount of raw materials processed (average and maximum per day);
- (l) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
- (m) Any other information as may be deemed by the City to be necessary to evaluate the permit application.

The City will evaluate the data furnished by the User and may require additional information. After evaluation and acceptance of the data furnished, the City may issue a Wastewater Contribution Permit subject to terms and conditions provided herein.

- (3) Permit modifications. Within 9 months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Contribution Permit of Users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a User, subject to a National Categorical Pretreatment Standard, has not previously submitted application for a Wastewater Contribution Permit as required by (2), the User shall apply for a Wastewater Contribution Permit within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard. In addition, the User with an existing Wastewater Contribution Permit shall submit to the Superintendent within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by Paragraphs (h) and (i) of Section (2).
- (4) Permit conditions. Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulations User charges and fees established by the City. Permits may contain the following:
 - (a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
 - (b) Limits on the average and maximum wastewater constituents and characteristics;
 - (c) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
 - (d) Requirements for installation and maintenance of inspection and sampling facilities;

- (e) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;
 - (f) Compliance schedules;
 - (g) Requirements for submission of technical reports or discharge reports (see 11.16.052);
 - (h) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the City, and affording City access thereto;
 - (i) Requirements of notification of the City or any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
 - (j) Requirements for notification of slug discharges.
 - (k) Other conditions as deemed appropriate by the City to ensure compliance with this Ordinance.
- (5) Permits duration. All Wastewater Discharge Permits shall be issued for perpetual duration, subject to amendment or revocation as provided in section 11.16.005 of this Chapter.
- (6) Limitations on permit transfer. Users shall be issued Wastewater Discharge Permits for specific operation and are not assignable to another Discharger without prior written approval of the City, or transferable to any other location. (Ord. 1151 S4.2, 1984)

11.16.052 Confidential information. Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs, and from inspections shall be available to the public and other governmental agency without restriction unless the User specifically request and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User.

When requested by the person furnishing a report, the portions of the report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System permit and/or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State or any state Agency in judicial review or enforcement proceedings involving the person furnishing

the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the City as confidential, shall not be transmitted to any governmental agency or to the general public by the City until and unless a ten-day notification is given to the User. (Ord. 1151 S4.6, 1984)

11.16.060 Cost and expense of connections. All costs and expenses incident to the installation and condition of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by said installation of the building sewer. (Ord. 1988-36 S4c, 1988; Ord. 557 S 7(c), 1964).

11.16.070 Separate building sewer for each building - Exception. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. (Ord. 1988-36 S4d, 1988; Ord. 1250 S 1, May 14, 1986; Ord. 557 S 7(d), 1964).

11.16.071 Drainage of fixtures located below the next upstream manhole or below the main sewer level. Drainage piping serving fixtures which have flood level rims located below the elevation of the next upstream manhole cover of the public sewer serving such drainage piping shall be protected from backflow of sewage by installing an approved type backwater valve. Fixtures above such elevation shall not discharge through the backwater valve. (Ord. 1988-16 S1, 1988; Ord. 1266 S1, 1986)

11.16.072 Check valve location. The check valve or gage valve shall be installed in the sanitary sewer line in a location that is accessible and subject to inspection. (Ord. 1266 S 2, 1986).

11.16.073 Installation of check valves. The check valve shall be installed in such a manner that the owner or occupant shall be able to inspect the valve and remove any foreign objects that would render the valve inoperative or ineffective. (Ord. 1266 S 3, 1986).

11.16.074 Responsibility for check valve. The owner or occupant of the building or appurtenance shall be responsible for the proper and unencumbered operation of the check valve and the sanitary sewage department assumes no responsibility for any damage resulting from a valve that is inoperative or not operating correctly. (Ord. 1266 S 4, 1986).

11.16.080 Use of old building sewers. Old building sewers may be used in connection with new buildings only when they are found on examination and test by said inspector to meet all requirements of this chapter. (Ord. 1988-36 S4e, 1988; Ord. 557 S 7(e), 1964).

11.16.090 Size, slope, alignment and materials of building sewers. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. FD-5 shall apply. (Ord. 1988-36 S4f, 1988; Ord. 557 7f & 9j, 1964)

11.16.110 Location, depth and alignment of building sewers. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. (Ord. 1988-36 S4g, 1988)

11.16.120 Connection of downspouts and drains. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface run-off or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. (Ord. 1988-36 S4h, 1988)

11.16.180 Method of connection to public sewer. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. FD-5. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installations. (Ord. 1988-36 S4i, 1988; Ord. 780 S4, 1974; Ord. 557 S7(m), 1964)

11.16.190 Inspection of building sewer - Supervision of connection to public sewer. The applicant for the building sewer permit shall notify the inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the inspector or his representative. (Ord. 1988-36 S4j, 1988; Ord. 557 S 7(n), 1964). (Ord. 557 S 7(1) (part), 1964).

11.16.200 Guarding excavations. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City. (Ord. 1988-36 S4k, 1988; Ord. 557 S 7(o), 1964).

11.16.210 Storm water and other unpolluted waters prohibited in sanitary sewer. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer. (Ord. 557 S 8(a), 1964).

11.16.215 Discharge of unpolluted waters. Unpolluted water from air conditioners, cooling, condensing systems or swimming pools, shall be discharged to a storm sewer, where it is available, or to a combined sewer approved by the City. Where a storm sewer is not available, discharge may be to a natural outlet approved by the City and by the State of Indiana. Where a storm sewer, combined sewer, or natural sewer is not available, such unpolluted water may be discharged to a sanitary sewer pending written approval by the City. (Ord. 1988-36 S8, 1988; Ord. 780 S1, 1974; Ord. 557 S8(b), 1964)

11.16.220 Industrial cooling water. Industrial cooling water, which may be polluted with insoluble oils or grease or suspended solids, shall be pretreated for removal of pollutants and the resultant clear water shall be discharged in accordance with the above Section. (Ord. 1988-36 S9, 1988)

11.16.230 Wastes prohibited in public sewers.

- (1) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
 - (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas. (Ord. 1988-36, S5a(1), 1988)
 - (b) Any waters or wastes containing toxic (as described in Section 307A of the Clean Water Act) or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant. (Ord. 1988-36, S5a(2), 1988)
 - (c) Any waters or wastes having a pH lower than 5.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works or interfere with any treatment process. (Ord. 1988-36 S5a(3), 1988; Ord. 1239 S1, 1986; Ord. 1185 S1, 1984; Ord. 1133 S1, 1983)
 - (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper, dishes, cups, milk containers, etc., either whole or ground by garbage grinders. (Ord. 1988-36, S5a(4), 1988)
 - (e) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits

which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction of such discharge to the receiving waters.

- (f) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
- (g) Any waters or wastes having pH in excess of 10.0.
- (h) Materials which exert or cause:
 - 1. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - 2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - 3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - 4. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- (i) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters. (Ord. 1988-36 S5, 1988; Ord. 1185 S1, 1984; Ord. 1151 S2, 1984; Ord. 557 S8, 1964)

11.16.231 Preliminary treatment facilities, when required. If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substance or possess the characteristics enumerated in Section 11.16.230 of this article, and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- (a) Require any industries to submit information on wastewater quantities characteristics and obtain prior approval for discharges.

- (b) Reject the wastes in whole or in part for any reason deemed appropriate by the City.
- (c) Require pretreatment of such wastes to within the limits of normal sewage as defined.
- (d) Require control or flow equalization of such wastes so as to avoid any "slug" loads or excessive loads that may be harmful to the treatment works, or
- (e) Require payment of a surcharge on any excessive flows or loadings discharged to the treatment works to cover the additional costs of having capacity for and treating such wastes.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances and laws. (Ord. 1988-36 S5, 1988; Ord. 1185 S1, 1984; Ord. 557 S8(f), 1964)

11.16.232 Pretreatment of industrial wastes. Pretreatment of industrial wastes from major contributing industries prior to discharge to the treatment works is required and is subject to the Rules and Regulations adopted by the United States Environmental Protection Agency (USEPA) (40 CFR Part 403), and "Guidelines Establishing Test Procedures for Analysis of Pollutants" (40 CFR Part 136), in addition to any more stringent requirements established by the City and any subsequent State or Federal Guidelines and Rules and Regulations.

11.16.233 Plans and specifications of pretreatment facilities. Plans, specifications, and any other pertinent information relating to pretreatment or control facilities shall be submitted for approval of the City and no construction of such facilities shall be commenced until approval in writing, is granted. Where such facilities are provided, they shall be maintained continuously in satisfactory and effective operating order by the owner at his expense and shall be subject to periodic inspection by the City to determine that such facilities are being operated in conformance with applicable Federal, State and local laws and permits. The owner shall maintain operating records and shall submit to the City a monthly summary report of the character of the influent and effluent to show the performance of the treatment facilities and for comparison against City monitoring records.

11.16.234 Wastewater flow information. The City may require users of the treatment works, other than residential users, to supply pertinent information on wastewater flows and characteristics. Such measurements, tests, and analysis shall be made at the users' expense. If made by the City, an appropriate charge may be assessed to the user at the option of the City.

11.16.235 Sampling wastewaters. The strength of wastewaters shall be determined, for periodic establishment of charges provided for in the Rate Ordinance, from samples taken at the aforementioned structure at any period of time and of such duration and in such manner as the City may elect, or, at any place mutually agreed upon between the user and the City. Appropriate charges for sampling and analysis may be assessed to the user at the option of the City. The results of routine sampling and analysis by the user may also be used, for determination of charges after verification by the City.

11.16.240 Grease, oil and sand interceptors, requirements. Grease, oil, and sand interceptors or traps shall be provided when, in the opinion of the City they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors or traps shall be of a type and capacity approved by the City and shall be located so as to be readily and easily accessible for cleaning and inspection. They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures and shall be of substantial construction, be gas tight, water tight, and equipped with easily removable covers. Where installed, all grease, oil and sand interceptors or traps shall be maintained by the owner, at his expense, in continuously efficient operation at all times. (Ord. 1988-36 S2, 1988 Ord. 557 S8, 1964)

11.16.270 Maintenance of preliminary treatment facilities. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation, by the owner at his expense. (Ord. 1988-36 S5, 1988; Ord. 1185 S1, December 12, 1984; Ord. 557 S8(g), 1964)

11.16.280 Control Manholes. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained so as to be safe and accessible at all times. Agents of the City, the State Water Pollution Control Agencies, and the U.S. Environmental Protection Agency shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing. (Ord. 1988-36 S5, 1988; Ord. 1185 S1, December 12, 1984; Ord. 557 S8(h), 1964)

11.16.290 Measurement, tests and analysis. All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this Chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater published by the American Public Health Association, and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole, except for applications for NPDES permits and report thereof which shall be conducted in accordance with rules and regulations adopted

by the USEPA (40 CFR Part 136). In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analysis involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analysis are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples. (Ord. 1988-36 S5, 1988; Ord. 1185 S1, 1984; Ord. 557 S8(i), 1964)

11.16.300 Special agreements or arrangements for industrial waste. The special agreements and arrangements are listed below:

- (1) No statement contained in this Chapter shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby compatible industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore by the industrial concern, at such rates as are compatible with the rate ordinance.
- (2) The City reserves the right to exclude, in whole or in part, any industrial waste from its collection system. (Ord. 1185 S1, December 12, 1984; Ord. 822 S1, 1975; Ord. 557 S8(j), 1964)

Effluents in the following categories of the maximum limits as set forth below shall not be placed or drained into the municipal sewer system under any circumstances except industrial users affected by categorical standards discharging to the Jasper Sanitary System.

	MAXIMUM ALLOWANCE	LIMIT
POLLUTANT	1-day mg/l	Weekly av. mg/l
Cadmium	1.20	0.50
Total Chromium	7.00	2.50
Copper	4.50	1.80
Nickel	3.40	1.50
Zinc	4.20	1.80
Total Cyanide	0.80	0.23
Arsenic	0.12	0.08
Mercury	0.08	0.04
PCB	0.00	0.00

	MAXIMUM ALLOWANCE	LIMIT
POLLUTANT	1-day mg/l	30 day av. mg/l
Lead	2.00	1.00

Except industrial users affected by categorical standards discharging to the Jasper Sanitary System.

SCHEDULED MONITORING. Scheduled monitoring by sampling of each significant industrial user shall be a minimum of once annually. More frequent sampling will be made of those industries which discharge large volumes containing heavy metals. Scheduled sampling will include on-site inspection of pretreatment facilities and plant operations, collecting composite samples and monitoring and recording flow rates over a period of days as deemed necessary by the Superintendent of Wastewater Treatment Facility.

UNSCHEDULED MONITORING. Unscheduled sampling of all industrial customers may be made at any time as directed by the Superintendent of the Wastewater Treatment Facility.

DEMAND MONITORING. Monitoring will be conducted at any time on influx of industrial waste or a spill at any industrial customer's facility which affects the wastewater treatment system or causes a disruption or problem at the city's treatment plant. Emergency monitoring may be initiated at any time there is any indication that materials and/or wastewater is being discharged into the sewer system which is in violation of the NPDES Permit issued to the City of Jasper.

The submission of all notices and self-monitoring reports from industrial significant users that are necessary to assess and assure compliance by I.U.'s with applicable pretreatment standards and requirements shall be required on a monthly basis. (Ord. 1987-20, S1, 1987; Ord. 1232 S 1, 1985; Ord. 1185 S2, December 12, 1984; Ord. 1132 S1, 1983).

11.16.301 City's right of revision. The City reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objections presented in this chapter.

11.16.302 Excessive discharge. No User shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the City or State. Dilution may be an acceptable means of complying with some of the prohibitions set forth in Section 11.16.020 e.g., the pH prohibition.

11.16.303 Accidental discharges. Each User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the Owner's or User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the

City for review, and shall be approved by the City before construction of the facility. All existing Users shall complete such a plan if large quantities of chemicals as listed in 307(a) of the Clean Water Act are to be stored at the site. No User who commences contribution to the POTW after the effective date of this ordinance shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the City. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify the User's facility as necessary to meet the requirements of this ordinance. In the case of an accidental discharge, it is the responsibility of the User to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions. Users of the treatment works shall immediately notify the City of any unusual flows or wastes that are discharged accidentally or otherwise to the sewer system. (Ord. 1988-36 S13, 1988)

Written Notice - With five (5) days following an accidental discharge the User shall submit to the Superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the User of any fines, civil penalties, or other liabilities which may be imposed by this article or other applicable law.

Notice to Employees - A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

11.16.304 Record keeping. All discharges subject to Local, State or Federal regulations must retain and preserve for at least three (3) years, any records, books, documents, memoranda, reports, correspondence and any and all summaries relating to monitoring, sampling and chemical analyses made by or in behalf of a discharger in connection with its discharge. All records which pertain to matters which are the subject of any enforcement of litigation activities brought by the Authority must be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitation concerning any appeals have expired. (Ord. 1185 S2, 1984)

11.16.305 Purpose of fees. Every person whose premises are served by said sewage works shall be charged for the services provided. These charges are established for each user class, as defined, in order that the sewage works shall recover, from each user and user class, revenue which is proportional to its use of the treatment works in terms of volume and load. User charges are levied to defray the cost of operation and maintenance (including replacement) of the treatment works. User charges shall be uniform in magnitude within a user class.

- (1) User charges are subject to the rules and regulations adopted by the United States Environmental Protection Agency. Replacement costs, which are recovered through the system of user charges, shall be based upon the expected useful life of the sewage works equipment.
- (2) The various classes of users of the treatment works for the purposes of this chapter, shall be as follows:

Class I - Residential
 - Commercial
 - Governmental
 - Institutional
 - Industrial (Ord. 1997-45, S2, 1997; Ord. 1995-37, S2, 1995; Ord. 1988-37 S2, 1988)

11.16.310 Rates and charges for sewage disposal service. For the use of and the services rendered by sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected with the City sanitary system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewage system of the City of Jasper. Such rates and charges include User Charges, debt service costs, excessive strength surcharges and other service charges, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

- (1) The sewage rates and charges shall be based on the quantity of water entering the City sanitary system from the property or premises, as the same is measured by the water meter or flowmeter there in use, plus a base charge based on the size of the water meter or flowmeter installed, except as herein otherwise provided. For the purpose of billing and collecting the rates and charges for sewage service, the water meters or flowmeters shall be read monthly and the users shall be billed monthly (or period equaling a month). The schedule on which the amount of said rates and charges shall be determined as follows:

All Users

- (a) Treatment Rate per 100 cubic feet per month:

<div style="display: inline-block; text-align: center;"> <u>User</u> <u>Charge</u> \$1.85 </div>	<div style="display: inline-block; text-align: center;"> <u>Debt</u> <u>Service</u> \$0.83 </div>	<div style="display: inline-block; text-align: center;"> <u>Total</u> \$2.68 </div>
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plus

- (b) Base Rate - as follows:

<div style="display: inline-block; text-align: center;"> <u>Monthly Base Rate</u> User </div>	<div style="display: inline-block; text-align: center;"> <u>Debt</u> </div>
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<u>Base Rate</u>	<u>Charge</u>	<u>Service</u>	<u>Total</u>
5/8-3/4 inch meter	\$ 5.39	\$3.40	\$8.79
1 inch meter	11.30	8.50	19.80
1 1/2 inch meter	24.30	19.72	44.02
2 inch meter	40.85	34.00	74.85
3 inch meter	92.07	78.20	170.27
4 inch meter	159.05	136.00	295.05
6 inch meter	359.99	309.40	669.39

- (2) For users of the sewage works that are unmetered or accurate meter readings are not available, the monthly charge shall be determined as an average of single family dwelling units, except as herein provided. Sewage bills shall be rendered once each month (or period equaling a month). The schedule on which said rates and charges shall be determined is as follows:

Monthly Rate

	<u>User</u>	<u>Debt</u>	
	<u>Charge</u>	<u>Service</u>	<u>Total</u>
Residential:			
Single family residence/unit	\$17.42	\$8.80	\$26.22

Unmetered Non-Residential Single Family Dwelling Units shall be charged a rate to be determined by the City on an individual basis by applying the above metered rates to estimated usage and meter size.

- (3) For the service rendered to the City of Jasper said City shall be subject to the same rates and charges hereinabove provided, or to rates and charges established in harmony therewith.
- (4) In order to recover the cost of monitoring industrial wastes the City shall charge the user the actual cost of monitoring but not less than \$75.00 per sampling event. This charge will be reviewed on the same basis as all other rates and charges in the ordinance.
- (5) All property owners, ratepayers, and other interested parties residing outside the corporate boundaries of the City of Jasper, served or to be served by the sewerage works of the City of Jasper, shall be subject to all provisions, and the rate schedules, established by the Sewer Rate Ordinance. A seventy-five percent (75%) surcharge shall be applied to the debt service portion of the rates for those users outside the corporate limits of the City. (Ord. 1997-45, S3(e), 1997; Ord. 1997-11, 1997; Ord. 1995-37, S3(e), 1995; Ord. 1993-14, S1, 1993; Ord. 1993-4, S3(e), 1993)

- (6) Adjusting charge for lawn sprinkling. In order that the residential and domestic users of sewage services shall not be penalized for sprinkling lawns, washing cars, watering gardens, etc. during the months of July, August and September the billing for sewer services for a residential and domestic user for the months of July, August and September of a particular year shall be based upon that user's average daily water usage billed during the months of February, March, and April of that year (winter daily average). Residential and domestic sewage services applicable to the Summer Sewer Discount shall apply to each lot, parcel of real estate, or building which is occupied and used as a residence. The Summer Sewer Discount shall not apply to any premises which are partially used for commercial or industrial purposes. In the event a portion of such premises shall be used for commercial or industrial purposes, the owner shall have the privilege of separating the water services so that the residential portion of the premises is served through a separate water meter, and in such case the water usage registered by the water meter serving each portion of the premises used for residential purposes would qualify for the Summer Sewer Discount. (Ord. 1999-12, S1, 1999; Ord. 1997-45, S3(f), 1997; Ord. 1988-37 S3, 1988; Ord. 518 S2(f), 1960)

The winter daily average shall be determined by taking the total usage (in cubic feet) being billed on the bills dated February, March, and April, and dividing by 90. If the resulting number is less than 10 cubic feet, said number shall be reset to a minimum 10 cubic feet (75 gallons).

The summer usage being billed during each billing period will be averaged based on the total number of days being billed (summer daily average) and then multiplied by the number of days being billed between July 1st and September 30th (pro-rated summer usage). The winter daily average multiplied by the same number of days being billed between July 1st and September 30th (pro-rated winter average) shall be subtracted from the pro-rated summer usage. The difference between the pro-rated summer usage and the pro-rated winter usage shall be applied against the rates and entered on the bill as a separate negative entry and identified as "Summer Sewer Discount".

The Summer Sewer Discount will not be allowed if the pro-rated winter usage is greater than the pro-rated summer usage.

- (7) From the revenues of the Sewer Utility, an amount equal to twenty-five percent (25%) of the annual revenue requirements shall be maintained in the operation and maintenance fund. (Ord. 1997-11, 1997; Ord. 1995-37, S3, 1995; Ord. 1993-4, S1,2,3, 1993; Ord. 1988-7 S1,2,3, 1988; Ord. 1987-10 S1,2, 1987; Ord. 1286 S1,2,3, 1987; Ord. 1209 S1, 1985; Ord. 1185, 1984; Ord. 1168 S1, 1984; Ord. 1134 S1, 1983; Ord. 1099 S1, 1982;

Ord. 1056, S1, 1981; Ord. 929 S1, 1978; Ord. 821 S1,2, 1975; Ord. 779 S1, 1974; Ord. 556 S1, 1964; Ord. 518 S1, 1960)

- (8) Special Situation Rebates. Rebates shall be allowed in special situations where excess non-sewered water is used. Such special situations shall be limited to:
- (a) The installation of a new lawn or new landscaping.
 - (b) The filling of swimming pools; and
 - (c) Any other water usage situation that is in the sole discretion of the Wastewater Manager, one in which the water usage:
 - 1. Is excessive;
 - 2. Is a non-recurring phenomenon;
 - 3. Is reasonably verifiable; and
 - 4. Does not result in the water's disposal in the sanitary sewer system.

“Excessive” means that the usage is equal to or greater than 400 cubic feet as compared to the customer's previous three months' usage. To qualify, the customer must submit a written request to the Wastewater Manager describing the special situation. The request must be filed with the Wastewater Manager no later than 60 days after the termination of the situation for which the request is made. The Wastewater Manager shall approve the request only if he, in his sole discretion, reasonably exercised, finds that the situation falls within any of those described above.

The amount of the rebate shall be determined by taking the highest monthly usage from three months immediately preceding the month in which the special situation occurred and subtracting it from the usage of the special situation month. The difference in usage, over and above the 400 cubic feet, will be applied against the rate schedule and the customer's account will be adjusted accordingly. If the customer has no prior history for comparison, the normal usage of a similar customer will be used.

Rebates will not be allowed during the months where the Summer Sewer Discount, as previously defined in this ordinance, is in effect.

Any dispute arising with respect to qualification, calculations, or usage shall be resolved by the Wastewater Manager in his sole discretion, reasonably exercised.

Any such decision of the Wastewater Manager shall be final and reviewable only for abuse of discretion. (Ord. 1999-13, S1, April 21, 1999)

11.16.313 Rates and charges for 2001 Extensions.

- (1) For use of and the services rendered by the sewage works to users of the 2001 Extensions, the monthly Debt Service Surcharge shall be determined as follows:

<u>Meter Size</u>		<u>Rate per Month</u>
5/8-3/4	inch meter	\$ 29.95
1	inch meter	74.90
1 1/2	inch meter	173.70
2	inch meter	299.50
3	inch meter	688.85
4	inch meter	1,198.00
6	inch meter	2,725.45

The monthly debt service surcharges set out above shall be in addition to all other applicable sewage rates and charges of the City of Jasper and shall begin July 1, 2002. (Ord. 2002-12, S2(1), May 22, 2002). (Ord. 2001-24, S2(1), 2001)

- (2) The City and Dubois County, Indiana, have both adopted ordinances requiring connection to a public sanitary sewer system if one becomes available. In the event that the residents currently located within the area to be serviced by the 2001 Extensions meet the requirements for connection under both ordinances, they will be notified once the system is available and must follow all the requirements of the City of Jasper ordinance in effect at that time with regards to mandatory connection, and pay all fees associated therewith. In the event the property owner would not be required to connect under the County ordinance, but would be required to connect under the City ordinance, the owner may elect to defer their connection until the time that the County ordinance would require connection, but would be subject to the deferred debt service fee, as set out in Section 11.16.313(3) below, in addition to normal connection,

inspection, and/or availability fees when they are required to connect. (Ord. 2002-12, S2(2), May 22, 2002) (Ord. 2001-24, S2(2), 2001)

- (3) The deferred debt service fee for deferring connection to the 2001 Extensions under 11.16.313(2) above shall be the rate per month based on meter size as stated in 11.16.313(1) above, starting July 1, 2002 and continuing until the Connection Permit is issued. Said deferred debt service fee shall be billed each month starting in July of 2002 and shall accumulate in the property owner's account until the total accumulated fees become due and payable at the time the Connection Permit is issued. Subsequent debt service fees as stated in 11.16.313(1) above shall become due and payable each month thereafter along with normal user fees as set forth in Ordinance 1997-45 to which this amendment is attached. The deferred debt service fee shall be in addition to all other connection, inspection, and/or availability fees of the City of Jasper. (Ord. 2002-12, S2(3), May 22, 2002) (Ord. 2001-24, S2(3), 2001)

11.16.315 Rates and charges for contractual users. Transportation and/or treatment rates and charges shall be established for each qualifying user who has contracted with or is intending to contract with the City for transportation and/or treatment of sewage. Each contractual user shall have a rate specifically designed by the Jasper Municipal Sewage Works based upon each contractual user's flow and treatment characteristics. The City reserves the right to amend the transportation and/or treatment rates and charges in the event a substantial or material change in the contractual user's flow and treatment characteristics is identified after passage of this ordinance. The following qualified users who have contracted for or who are intending to contract for transportation and/or treatment of sewage are:

- (1) Ireland-Madison Township Conservancy District. The Ireland-Madison Township Conservancy District shall be considered a user outside the corporate boundaries of the City and shall pay a base charge each month regardless of flow. In addition to the monthly base charge, the Ireland-Madison Township Conservancy District shall pay a treatment rate based on actual flow metered at each point where the Ireland-Madison Township Conservancy District is connected to the Jasper Municipal Sewage Works. The schedule on which said rates and charges shall be determined is as follows:

- | | | |
|-----|-----------------------------------|------------|
| (a) | Base Rate: | \$2,260.00 |
| | plus | |
| (b) | Treatment Rate per 100 cubic feet | \$ 1.74 |
| | (Ord. 1997-45, S4, 1997) | |

11.16.320 Water consumption not equal to sewer system use-adjustment of charge.

- (1) **NON-MUNICIPAL WATER SOURCE - GENERALLY.** The quantity of water discharged into the sanitary sewage system and obtained from sources other than the utility that serves the City shall be determined by the City in such manner as the City shall reasonably elect (to include, but not be limited to water meters, flow meters, etc.) and the sewage service shall be billed at the above appropriate rates; except, as is hereinafter provided in this section, the City may make proper allowances in determining the sewage bill for quantities of water shown on the records to be consumed, but which are also shown to the satisfaction of the City that such quantities do not enter the sanitary sewage system. (Ord. 1997-45, S5, 1997; Ord. 1995-37, S4, 1995; Ord. 1993-4, S4, 1993; Ord. 1988-37 S4, 1988; Ord. 518 S2(a), 1960)
- (2) **NON-MUNICIPAL WATER SOURCE - MEASURING.** In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the City's sewage system, either directly or indirectly, is not a user of water supplied by the water utility serving the City and the water used thereon or therein is not measured by a water meter, or is measured by a water meter not acceptable to the City then the amount of water used shall be otherwise measured or determined by the City. In order to ascertain the rate or charge provided in this ordinance, the owner or other interested party shall at his expense, install and maintain meters, wires, volumetric measuring devices or any adequate and approved method of measurement acceptable to the City for the determining of sewage discharge. (Ord. 1997-45, S5(a), 1997; Ord. 1995-37, S4(a), 1995; Ord. 1993-4, S4(a), 1993; Ord. 1988-37 S4, 1988; Ord. 518 S2(b), 1960)
- (3) **OTHER MEANS OF DISCHARGE.** In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the City's sanitary sewage system, either directly or indirectly, is a user of water supplied by the water utility serving the City, and in addition, is a user of water from another source which is not measured by a water meter or is measured by a meter not acceptable to the City, then the amount of water used shall be otherwise measured or determined by the City. In order to ascertain the rates or charges, the owner or other interested parties shall, at his expense, install and maintain meters, wires, volumetric measuring devices or any adequate and approved method of measurement acceptable to the City for the determination of sewage discharge. (Ord. 1997-45, S5(b), 1997; Ord. 1995-37, S4(b), 1995; Ord. 1993-4, S4(b), 1993; Ord. 1988-37 S4, 1988; Ord. 518 S2(c), 1960)
- (4) **MULTIPLE UNITS ON A SINGLE METER.** In the event two or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water or other liquids into the City's sanitary sewage system,

either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in each such case, for billing purpose, the quantity of water used shall be averaged for each user and the base charge and the flow rates and charges shall apply to each of the number of residential lots, parcels of real estate or buildings served through the single water meter. (Ord. 1997-45, S5(c), 1997; Ord. 1995-37, S4(e), 1995; Ord. 1993-4, S4(c), 1993; Ord. 1988-37 S4, 1988; Ord. 518 S2(e), 1960)

- (5) **WATER USE IN EXCESS OF 1,335 CUBIC FEET.** In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water or other liquids into the City's sanitary sewage system, either directly or indirectly, and uses water in excess of 1,335 cubic feet per month, and it can be shown to the satisfaction of the City that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall, at his expense, install and maintain meters, wires, volumetric measuring devices or any adequate and approved method of measurement acceptable to the City for the determination of sewage discharge. (Ord. 1997-45, S5(d), 1997; Ord. 1995-37, S4(d), 1995; Ord. 1993-4, S4(d), 1993; Ord. 1988-37 4, 1988; Ord. 1185 S1, 1984; Ord. 510 S2(d), 1960)

11.16.350 Adjusting charge for fire protection. Where a metered water supply is used for fire protection as well as for other uses, the City may, in its discretion, make adjustments in the user charge as may be equitable. (Ord. 1997-45, S5(e), 1997; Ord. 1995-37, S4(e), 1995; Ord. 1993-4, S4(e), 1993; Ord. 1988-37 S4, 1988; Ord. 518 S2(g), 1960)

11.16.360 Strength and content of sewage as basis for adjustment of charge. In order that the rates and charges may be justly and equitably adjusted to the service rendered to users, the City shall base its charges not only on the volume, but also on strength and character of the stronger-than-normal domestic sewage and shall require the user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly into the sewage system, in such manner and by such method as the City may deem practicable in the light of the conditions and attending circumstances of the case, in order to determine the proper charge. The user shall furnish a central sampling point available to the City at all times.

- (1) Normal sewage domestic waste strength should not exceed a biochemical oxygen demand of 300 milligrams per liter of fluid, suspended solids in excess of 250 milligrams per liter of fluid, a chemical oxygen demand in excess of 600 milligrams per liter of fluid, ammonia nitrogen in excess of 30 milligrams per liter of fluid, or floatable oils in excess of 100 parts per million. Additional charges for treating stronger-than-normal domestic waste shall be made on the following basis:

- (a) Rate Surcharge Based Upon Suspended Solids. There shall be an additional charge of 20 cents per pound of suspended solids for suspended solids received in excess of 250 milligrams per liter of fluid.
 - (b) Rate Surcharge Based Upon BOD. There shall be an additional charge of 20 cents per pound of biochemical oxygen demand for BOD received in excess of 300 milligrams per liter of fluid.
 - (c) Rate Surcharge Based Upon NH₃N. There shall be an additional charge of 70 cents per pound of nitrogen for NH₃N received in excess of 30 milligrams per liter of fluid.
 - (d) Rate Surcharge Based Upon COD. There shall be an additional charge of twenty 20 cents per pound of Chemical Oxygen Demand for COD received in excess of 600 milligrams per liter of fluid. (Ord. 1991-41 S3, 1991)
 - (e) Rate Surcharge for Floatable Oils. There shall be an additional charge of 20 cents per pound of floatable oils for floatable oils in excess of 100 parts per million.
- (2) The determination of Suspended Solids, five-day Biochemical Oxygen Demand and Ammonia Nitrogen contained in the waste shall be in accordance with the latest copy of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes", as written by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation, and in conformance with "Guidelines Establishing Test Procedures for Analysis of Pollutants", Regulation CFR Part 136, published in the Federal Register on October 16, 1973. (Ord. 1997-45, S6, 1997; Ord. 1995-37, S5, 1995; Ord. 1993-4, S5, 1993; Ord. 1991-41 S1,2,3,4, 1991; Ord. 1988-37 S5, 1988; Ord. 1239 S2, April 9, 1986; Ord. 1225 S3, August 14, 1985; Ord. 1185 S1, December 12, 1984; Ord. 823 S1 (part), 1975; Ord. 518 S3 (part), 1960)

11.16.370 Billing - payment - inspection of records by owner. Such rates and charges shall be prepared, billed and collected by the City in the manner provided by law and ordinance.

- (1) The rates and charges for all users shall be prepared and billed monthly. At the end of each year, each user shall be given a notice of the rates charged for operation, maintenance and replacement for that user for the next year.
- (2) The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner, but

such billing shall in no way relieve the owner from the liability in the event payment is not made as herein required. The owners of properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the City for the purpose of determining whether bills have been paid by such tenant or tenants, provided that such examination shall be made at the office at which said records are kept and during the hours that such office is open for business.

- (3) As is provided by statute, all rates and charges not paid when due are hereby declared to be delinquent and a penalty of ten percent (10%) of the amount of the rates or charges shall thereupon attach thereto. The time at which such rates or charges shall be due is the date as stated on the bill. (Ord. 1997-45, S7, 1997; Ord. 1995-37, S6, 1995; Ord. 1993-4, S6, 1993; Ord. 1988-37 S6, 1988; Ord. 823 S2, 1975; Ord. 518 S5&6, 1960)

11.16.375 Rate study. In order that the rates and charges for sewage services may remain fair and equitable and be in proportion to the cost of providing services to the various uses of user classes, the City shall cause a study to be made within a reasonable period of time following the first 2 years of operation, following the date on which this ordinance goes into effect. Such study shall include, but not be limited to, an analysis of the costs associated with the treatment of excessive strength effluents from industrial users, volume and delivery flow rate characteristics attributed to the various users or user classes, the financial position of the sewage works and the adequacy of its revenue to provide reasonable funds for the operation and maintenance, replacements, debt service requirements and capital improvements to the waste treatment systems.

Thereafter, on a biennial basis, after two years and within a reasonable period of time following the normal accounting period, the City shall cause a study to be made for the purpose of reviewing (a) the sufficiency of the revenues to properly operate the wastewater treatment facility and all appurtenances attached thereto; and (b) maintaining proportionality among the user classes of the rates and charges for sewage services.

Said studies shall be conducted by officers or employees of the City, or by a firm of certified public accountants, or a firm of consulting engineers which firms shall have experience in such studies, or by such combination of officers, employees, certified public accountants or engineers as the City shall determine to be best under the circumstances. (Ord. 1997-45, S8, 1997; Ord. 1995-37, S7, 1995; Ord. 1993-4, S7, 1993; Ord. 1988-37 S7, 1988; Ord. 1185 S1, December 12, 1984; Ord. 823 S1 (part), 1975; Ord. 518 S3(a), 1960)

11.16.380 Establishment and enforcement of regulations. The City shall make and enforce such by-laws and regulations as may be deemed necessary for the safe, economical and efficient management of the City's sewage system, pumping stations and sewage treatment works, for the construction and use of house sewers and connections to the sewage treatment works, for the construction and use of house sewers and connection to the sewage system, and for the regulation, collection, rebating and refunding of such

rates and charges. No free service shall be provided to any user of the wastewater treatment facility.

The City is hereby authorized to prohibit dumping of wastes into the City's sewage system which, in its discretion, are deemed harmful to the operation of the sewage treatment works of the City, or to require methods affecting pretreatment of said wastes to comply with the pretreatment standards included in the National Pollution Discharge Elimination System (NPDES) permit issued to the sewage works. (Ord. 1997-45, S9, 1997; Ord. 1995-37, S8, 1995; Ord. 1993-4, S8, 1993; Ord. 1988-37 S8, 1988; Ord. 823 S2, 1975; Ord. 518 S6, 1960)

11.16.390 Special rate contracts. The Board is hereby further authorized to enter into special rate contracts with customers of the sewage works where clearly definable cost to the sewage works can be determined, and such special rates shall be based on such costs. (Ord. 1997-45, S11, 1997; Ord. 1995-37, S10, 1995; Ord. 1993-4, S10, 1993; Ord. 1988-37 S10, 1988)

11.16.391 Surcharge. A surcharge of Twenty Dollars (\$20.00) per month, per billing account, shall be imposed in addition to all other charges heretofore authorized and imposed beginning the month immediately following passage and adoption of this ordinance by the Common Council of the City of Jasper. (Ord. 1267 S3, 1986)

11.16.392 Payment requirements. There shall be a moratorium upon the requirement for payment by any persons for a period of two (2) months from the time of imposition of said surcharge as set forth in Section 11.16.391 above. Further, any person who has, pursuant to Section 11.16.393 below, consented to the inspection of their respective premises within one hundred twenty (120) days of the date of adoption of this ordinance, shall not be liable for payment until such inspection has been accomplished and the person given the opportunity to bring said premises into compliance within the time frame set out in said Section 11.16.393. (Ord. 1267 S4, 1986)

11.16.393 Payment liability for sewer surcharge. A person may avoid liability for payment of the surcharge established in Section 11.16.391 above upon a showing that he is in compliance with all provisions of Sections 11.16.210 and 11.16.230 of the Code and any amendments thereof of the City of Jasper, Indiana, which showing shall consist of the following procedures and conditions as to each building or appurtenance connected to the sanitary sewer:

- (1) Each such person shall, as to each such building or appurtenance so connected to the sanitary sewer, execute a "Grant of Permission" to the City of Jasper, to come upon the property and within the premises thereon, of such persons to inspect and/or perform sewer tests as may be deemed necessary by the City of Jasper to verify the compliance hereinbefore referred to;

- (2) The Grant of Permission set forth in Section (1) shall be deemed to include periodic inspections and/or tests as may be determined to be necessary to insure compliance with Sections 11.16.210 and 11.16.230 of the Jasper Code;
- (3) The term "City of Jasper" as used herein, shall mean and include such employees, or designees of the City of Jasper, Indiana, as it shall, from time to time utilize in making the inspections and/or test heretofore referred to. Such persons shall have on their person, identification to verify the fact that they in fact represent said City for said purposes.
- (4) The inspections shall be made upon reasonable notice of at least forty-eight (48) hours. There shall be no fee charged for said inspections.
- (5) If, upon the initial inspection contemplated by section (1) above to verify compliance, a person is in fact not found to be in compliance, said person shall be given fourteen (14) days from the date of said inspection to so comply. (Ord. 1267 S5, 1986)

11.16.394 Compliance and non-compliance upon inspection. In the event a person is found to be in compliance upon the initial inspection contemplated by Section (1) or complies within fourteen (14) days as provided in Section (5), as heretofore set forth and, upon subsequent inspection is found not be in compliance, said person shall be liable for payment of an amount equal to the sum of the months since adoption of this Ordinance, multiplied by the monthly surcharge in effect during such periods as the case may be; provided that, such liability shall be reduced to fifty percentum (50%) of said amount if said person complies within a period of ten (10) days after notice by the City of Jasper of his non-compliance. In the event a person is found to be in a state of non-compliance a second or subsequent time, then said person shall be liable for a sum equal to One Thousand Dollars (\$1,000.00) plus an amount equal to the sum of the months since adoption of this Ordinance multiplied by the monthly surcharge in effect during such periods as the case may be. (Ord. 1267 S6, 1986)

11.16.395 Reasonable measures of ensuring compliance with 11.16.210 and 11.16.230. The Common Council has determined that the measures heretofore set out are a reasonable means of ensuring compliance with Sections 11.16.210 and 11.16.230 of the Jasper Code and are further necessary to protect and ensure the health, safety and welfare of the Citizens of Jasper, Indiana, and surrounding areas. (Ord. 1267 S7, 1986)

11.16.396 State and/or Federal Requirements. All provisions of this ordinance and limits set herein shall comply with any applicable State and/or Federal requirements now, or projected to be in effect. (Ord. 1988-36 S14, 1988)

11.16.397 Damaging sewer system. No unauthorized person shall maliciously, willfully, or negligently break, damage, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person

violating this section shall be subject to immediate arrest under charge of disorderly conduct. (Ord. 1988-36 S15, 1988; Ord. 557 S9, 1964)

11.16.400 Right of entry for inspections. The Superintendent, Inspector, and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of this chapter. The Superintendent or his representative shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment. (Ord. 1988-36 S16(a), 1988; Ord. 1185 S1, December 12, 1984; Ord. 557 S10, 1964)

11.16.401 Safety precautions. While performing the necessary work on private properties referred to in Section 11.16.400 above, the Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 11.16.290. (Ord. 1988-36 S16(b), 1988)

11.16.402 Easements. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. 1988-36 S16(c), 1988)

11.16.410 Notice to cease violations. Any person found to be violating any provision of this chapter, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. (Ord. 1988-36 S17(a), 1988; Ord. 1225 S1, 1985; Ord. 557 S11(a), 1964)

11.16.420 Penalty for continuing violation after notice. Any person who shall continue any violation beyond the time limit provided for in Section 11.16.410 shall be guilty of a misdemeanor and in conviction thereof shall be fined in an amount not exceeding one thousand dollars (\$1,000.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. (Ord. 1989-32 S1, 1989; Ord. 1988-36 S17(b), 1988; Ord. 1225 S2, August 14, 1985; Ord. 1185 S1, December 12, 1984; Ord. 1133 S2, 1983; Ord. 557 S11(b), 1964)

11.16.430 Liability for expense caused by violation. Any person violating any of the provisions of this chapter shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation. (Ord. 1988-36 S17(c), 1988; Ord. 557 S11(c), 1964)

11.16.500 Show cause hearing.

- (1) The City may order any User who causes or allows an unauthorized discharge to enter the POTW to show cause before the Utility Service Board why the proposed enforcement action should not be taken. A notice shall be served on the User specifying the time and place of a hearing to be held by the Utility Service Board regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the User to show cause before the Utility Service Board why the proposed enforcement action should not be taken. The notice of the hearing shall be serve personally or by registered or certified mail (return receipts requested) at least fourteen (14) days before the hearing. Service may be made on any agent or officer of a corporation.
- (2) The Utility Service Board may itself conduct the hearing and take the evidence or may designate any of its members or any officer or employee of the assigned department to:
 - (a) Issue in the name of the Utility Service Board notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
 - (b) Take the evidence;
 - (c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Utility Service Board for action thereon.
- (3) At any hearing held pursuant to this Ordinance, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.
- (4) After the Utility Service Board has reviewed the evidence, it may issue an order to the User responsible for the discharge directing that, following a specified time period, the sewer service be disconnected unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or other related

appurtenances are properly operated. Further order and directives as are necessary and appropriate may be issued.

11.16.501 Legal action. If any person discharges sewage, industrial wastes or other wastes into the City's wastewater disposal system contrary to the provisions of this Ordinance, Federal or State Pretreatment Requirements, or any order of the City. The City Attorney may commence an action for appropriate legal and/or equitable relief in the Court of this County.

11.16.502 Civil Penalties. Any User who is found to have violated an Order of the Utility Service Board or who willfully or negligently failed to comply with any provision of this Ordinance, and the order, rules, regulations and permits issued hereunder, shall be fined not less than \$500.00 and not more than \$2,500.00 for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Ordinance or the orders, rules, regulations and permits issued hereunder.

11.16.503 Cost recovery. Any person violating any ordinance provision or who discharges or causes a discharge that produces a deposit or obstruction, or causes damage to the Authority's wastewater disposal system will be liable to the Authority for any expense, loss, or damage caused by the violation or discharge. The Authority will bill the discharger for the costs incurred for any cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay the assessed cost would constitute a violation enforceable under ordinance provisions.

11.16.504 Falsifying information. Any person who knowingly makes any false statements, representations or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance, or Wastewater Contribution Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall, upon conviction, be punished by a fine of not more than \$1,000 or by imprisonment for not more than six (6) months, or by both.

11.16.505 Right of appeal. That the rules and regulations promulgated by the City, after approved by the Utility Service Board shall, among other things, provide for an appeal procedure whereby a user shall have the right to appeal a decision of the administrator of the user charge to the Utility Service Board and that any decision concerning user charges of the Utility Service Board may be appealed to the Circuit Court of the County under the appeal procedures provided for in the Indiana Administrative Adjudication Act. (Ord. 1997-45, S12, 1997; Ord. 1995-37, S11, 1995; Ord. 1993-4, S11, 1993; Ord. 1988-37 S11, 1988; Ord. 1988-36j S19, 1988)